

FAYETTEVILLE POLICE DEPARTMENT  
FAYETTEVILLE, ARKANSAS 72702

**GENERAL ORDER # 29**

**SUBJECT:** PEPPER BALL LAUNCHING SYSTEM

**CROSS-REFERENCE:** 1.3.1. USE OF FORCE; 1.3.4 LESS LETHAL WEAPONS AND DEFENSIVE TACTICS



**DATE APPROVED BY COP:** September 30, 2015

*Chief Greg Tabor*

**PURPOSE:** The purpose of this general order is to establish specific guidelines for the use of the Pepper Ball Launching System; governing the use of the Pepper Ball Launching System for the use of Pepper Balls only [CALEA 1.3.4].

**DEFINITION:** Pepper Ball Launching System is a unique less-lethal chemical agent delivery system that uses high pressure air launchers to deliver, from a safe distance, frangible plastic spheres containing a compound of Pelargonic Acid Vanillyamide (PAVA) or Capsaicin II powder. The system combines chemical agent exposure with kinetic impact and pain.

**ORDER:** Only officers of the Fayetteville Police Department certified on the use of the Pepper Ball Launching System will be allowed to carry and use the Pepper Ball Launching System. The Pepper Ball Launching System will be used at the same level in the use-of-force continuum as other intermediate weapons.

**PROCEDURES:**

A. Authorization

1. Only officers who have completed the required training on the use of the Pepper Ball Launching System are authorized to carry and deploy the system [CALEA 1.3.10].
2. In-service training will be provided to officers at least Biennially [CALEA 1.3.11].
3. Officers will be required to demonstrate proficiency on the Pepper Ball Launching System at least biennially, and proficiency training will be monitored by a Pepper Ball Launcher Instructor [CALEA 1.3.11 b.].
4. The Pepper Ball Launching System will be stored in a secured vehicle in its carrying case. The Pepper Ball Launching System will not be carried outside the patrol vehicle unless an officer reasonably believes there is an anticipated need.

## B. Usage Criteria

1. Prior to carrying the Pepper Ball Launching System, officers shall ensure the launcher, hopper, and high-pressure air (HPA) bottle are in proper working order by performing a visual inspection for any defects. The officer shall also make certain the hopper is filled with pepper ball projectiles to 90 percent capacity or less. Overfilling the hopper can cause the projectiles to jam when feeding into the breech.
2. The operator must check the pressure level of the HPA bottle at the beginning of each shift to make sure it is in the proper pressure level.
3. The Pepper Ball Launching System can be used on individual suspects as well as large groups of people for riot and crowd control. Supervisor approval must be obtained prior to using the system for riot or crowd control. Officers will be trained in the appropriate and proper situational use of the Pepper Ball Launching System.
4. Whenever practical and reasonable, officers should issue a verbal warning prior to using the Pepper Ball Launching System.

## C. Usage Procedures

1. Officers shall never target the head, neck or spine of an individual.
2. Whenever practical and reasonable, officers should be upwind from the suspect before deploying a pepper ball projectile.
3. Officers should maintain a safe distance from the suspect. The optimum shot range is a minimum of 0 feet to a maximum of 60 feet.
4. With supervisor approval, pepper ball projectiles can be used for area saturation at distances up to 150 feet.
5. Use of the Pepper Ball Launching System should be avoided, if possible, under conditions where it may affect innocent bystanders.
6. The operator should be aware of the back drop in the event of a miss or errant shot due to the wind or other circumstances.

## D. Effects of Pepper Ball Projectiles

1. Pepper ball projectiles will cause almost immediate effects to a suspect. Within several seconds, a suspect may display symptoms including, but not limited to, temporary blindness, difficulty breathing, burning sensation in the throat, nausea, lung pain and or impaired thought process.
2. The effects of pepper ball projectiles vary among individuals but will usually start to diminish within ten minutes. All suspects shall be handcuffed as soon as possible after being exposed to a pepper ball projectile. There may be an occasion when the pepper ball projectile is used on a large crowd or the suspect flees. Officers shall make a reasonable effort to identify everyone struck by a projectile or exposed to its effects. Officers shall, when reasonable, obtain name, address, date of birth, and phone number of anyone reporting they were affected by the deployment of a pepper

- ball projectile [CALEA 1.3.5].
3. Immediately after a subject is hit with a pepper ball projectile, officers shall be alert to any indications the individual needs medical care. If the subject requests medical assistance or it is determined the subject needs medical attention, the officer shall immediately summon emergency medical aid or transport to a local medical facility. Officers shall photograph the suspect (with or without injuries) as soon as is reasonable [CALEA 1.3.5].
  4. Suspects that have been hit with a pepper ball projectile shall be monitored continuously for a minimum of twenty minutes, or until the effects have diminished or worn off. It shall be the responsibility of the officer affecting the arrest to monitor the suspect unless the officer was also injured. In case the officer was injured, the supervisor will assign another officer to monitor the subject. If after twenty minutes the effects of the pepper ball projectile have not diminished, the subject shall receive medical attention [CALEA 1.3.5].
  5. Any person accidentally hit in the head, neck or spine with a pepper ball projectile, will receive immediate medical attention [CALEA 1.3.5].
  6. Officers shall provide assurance to suspects who have been hit with a projectile that the effects are temporary and encourage them to relax.
  7. The effects of pepper ball projectiles usually diminish more quickly than OC spray. Pepper ball projectiles' effects will usually completely diminish within ten minutes of exposure, once the subject is moved to fresh air. Once the suspect has been restrained, officers shall assist him/her by rinsing and drying the exposed area.
  8. Assistance shall be offered to any individuals accidentally exposed to pepper ball projectiles who feel the effects of the agent. All such incidents shall be reported as soon as possible including the recording of the bystander's name, date of birth, and address to the immediate supervisor.

#### E. Reporting Procedures

1. Accidental discharges as well as intentional uses of the Pepper Ball Launching System against an individual in an enforcement capacity shall be reported to the officer's immediate supervisor soon as possible.
2. A written report of an accidental discharge, which does not affect an individual, must be completed and turned into the officer's immediate supervisor before the end of shift when accidental discharge occurred.
3. A Use of Force Report with a Pepper Ball Launching System Diagram Supplement, an incident report and photographs of the suspect shall be completed and submitted following all discharges of the Pepper Ball Launching System. Exceptions include training, testing, malfunctions or accidental discharges [CALEA 1.3.6 c.].
4. All maintenance needs or if any damage is noted on the Pepper Ball launcher should be reported to a Pepper Ball instructor.
5. Pepper Ball Launching Systems will be inspected on an annual basis by a certified armorer. All new Pepper Ball Launching Systems will be inspected before being

available for use. Inspections, maintenance, and repairs will be documented. If the system fails inspection or is deemed unsafe, it shall be removed from service for such time that it takes to make repairs [CALEA 1.3.9 c., d.]. Certified Armorers will notify all department supervisors of any changes in status to the Pepper Ball Launching System.

#### F. Storing the System

1. Place the launcher on safe;
2. Open Hopper;
3. Slide the forearm grip forward and remove the projectiles from the chamber. Place projectiles back in the hopper;
4. Turn the HPA bottle counterclockwise and completely remove it from the launcher, and;
5. When not actively in use, Pepper Ball Launching System will be stored in its protective carry case.